



Entered on Docket  
March 03, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320  
Rob Charles NV State Bar No. 006593  
Email: rcharles@lrlaw.com  
John Hinderaker AZ State Bar No. 018024  
Email: jhinderaker@lrlaw.com  
*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,<sup>1</sup>

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,<sup>2</sup>

USA Securities, LLC,<sup>3</sup>

Debtors.

**Affects:**

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIFTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED, IN WHOLE OR IN PART,  
UPON INVESTMENT IN THE  
ROAM DEVELOPMENT GROUP,  
LP LOAN**

Hearing Date: February 20, 2009

Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Fifth Omnibus  
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon  
3 Investment in the Roam Development Group, LP Loan (the "Objection") [DE 6710].  
4 Adequate notice of the Objection was given. The Court heard the Objection on February  
5 20, 2009. No responses were filed to the Objection and no opposition was raised at the  
6 hearing. Good cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • The Proofs of Claim listed on Exhibit A attached are allowed to the extent  
10 Exhibit A shows there was "unremitted principal" arising out of the Roam  
11 Development Group, LP Loan that was owed to the claimant.
- 12 • The Proofs of Claim listed on Exhibit A attached are disallowed to the extent  
13 they were based upon an investment in the Roam Development Group, LP Loan  
14 that was repaid to the claimant.
- 15 • The Proofs of Claim listed in Exhibit A are not affected by this order to the  
16 extent they are based upon an investment in a loan(s) other than the Roam  
17 Development Group, LP Loan;
- 18 • Reserving the right of any party in interest, including the USACM Trust, to  
19 further object to the Proofs of Claim listed on Exhibit A attached.

20 ###

21 PREPARED AND SUBMITTED:

22 **LEWIS AND ROCA LLP**

23 By: /s/ John Hinderaker (#18024)  
24 Rob Charles  
25 John Hinderaker  
26 *Attorneys for USACM Liquidating Trust*

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

**LEWIS AND ROCA LLP**

By: /s/ John Hinderaker (#18024)  
Rob Charles  
John Hinderaker  
*Attorneys for USACM Liquidating Trust*

**ROAM DEVELOPMENT LOAN  
FIFTH OMNIBUS OBJECTION**

**EXHIBIT A  
Multiple Loan Claims**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Total Claim Amount Relating to Roam Development Loan</b>	<b>Unremitted Principal</b>	<b>Approximate Amount Subject to Objection</b>
<b>10725-01649</b>	Church of the Movement of Spiritual Inner Awareness	P.O. Box 513935 Los Angeles, Ca 90051	\$125,000.00	\$25,000.00	\$1,262.72	\$23,737.28
<b>10725-02129</b>	Cibb Inc. Pension Plan	Ronald A. Johnson Ttee 50 Snider Way Sparks, NV 89431	\$405,600.00	\$100,000.00	\$0	\$100,000.00
<b>10725-02261</b>	Cibb Inc. Pension Plan	Ronald A. Johnson Ttee 50 Snider Way Sparks, NV 89431	\$405,600.00	\$100,000.00	\$631.36	\$99,368.64
<b>10725-02484</b>	Ross Deller, Sr.	5796 Ambassador Ave #102 Las Vegas, NV 89122	\$200,000.00	\$120,000.00	\$1,515.26	\$118,484.74
<b>10725-02063</b>	James D. and Ann R. Dery	Husband and Wife 10 Longmeadow Ln Beachwood, OH 44122	\$2,793,347.72	\$100,000.00	\$631.36	\$99,368.64
<b>10725-02068</b>	Marguerite Falkenberg 2000 Trust Dtd 6/20/00	c/o Marguerite Falkenberg Ttee 727 3rd Ave. Chula Vista, CA 91910-5803	\$794,366.81	\$102,715.62	\$0	\$102,715.62
<b>10725-02202</b>	Marguerite Falkenberg 2000 Trust Dtd 6/20/00	c/o Marguerite Falkenberg Trustee 727 3rd Ave Chula Vista, CA 91910-5803	\$794,366.81	\$102,715.62	\$1,262.72	\$101,452.90
<b>10725-00801</b>	Freedom Properties Inc.	1820 Star Pine Ct. Reno, NV 89523-4807	\$450,000.00	\$50,000.00	\$631.36	\$49,368.64
<b>10725-02143</b>	Michael Freedus	2535 Lake Rd Delanson, NV 12053	\$711,624.20	\$100,000.00	\$631.36	\$99,368.64
<b>10725-01541</b>	Graham Family Trust Dtd 10/26/78	1460 Twinridge Road Santa Barbara, CA 93111	\$503,808.00	\$25,000.00	\$1,262.72	\$23,737.28